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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 SANDRA & JOHN BITZ, individually
12 and as successors-in-interest to JASON
13 RICHARD BITZ, deceased,

14 Plaintiffs,

15 vs.

16 ORANGE COUNTY; SANTA ANA
17 POLICE DEPARTMENT
18 INCLUDING ALL INVOLVED
19 SERGEANT/OFFICER OF ARMS 1-
20 50; et al.,

21 Defendants.
22

Case No.: SACV12-1144 JVS (ANx)

[Proposed] PROTECTIVE ORDER RE
LOS ANGELES SHERIFF'S
DEPARTMENT INVESTIGATION
REPORT

23 IT IS HEREBY ORDERED AS FOLLOWS:

24 This protective order shall govern the disclosure of the Investigative Report
25 prepared by the County of Los Angeles Sheriff's Department that pertains to the
26 investigation of the death of Jason Richard Bitz on October 31, 2011 (hereinafter
27 referred to as the "LASD Report").
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1 1. The documents that comprise the LASD Report will be clearly
2 designated as "CONFIDENTIAL".

3 2. The LASD Report shall be used solely in connection with the case of
4 *John & Sandra Bitz, etc. v. Orange County, et al.*, Case No. SACV12-1144 JVS
5 (ANx), including any associated appellate proceedings and collateral review, and
6 not for any other purpose;

7 3. The LASD Report and all information contained therein, may only
8 be disclosed to the following "qualified" persons:

9 (a) Counsel of record for the parties to this civil litigation

10 (b) Plaintiffs, Defendant Officer Rashad Wilson, and Defendant City of
11 Santa Ana and its employees;

12 (c) Paralegal, stenographic, clerical and secretarial personnel regularly
13 employed by counsel referred to in subparagraph (a); and, investigators, expert
14 witnesses and other persons legitimately involved in litigation-related activities for
15 the counsel of record.

16 (d) Court personnel, including stenographic reporters engaged in such
17 proceedings as are necessarily incidental to preparation for the trial of this action.

18 4. The confidential information may be disclosed to the Court and court
19 personnel, in connection with this litigation. Any portion of the confidential
20 information that a party intends to use in support of or in opposition to a pre-trial
21 filing with the Court must be filed in accordance with the Central District of
22 California Local Rules relating to under seal filings, including Local Rule 79-5.
23 Counsel intending to use information from the LASD Report must both (a) apply
24 to submit unredacted documents containing information from the Responsive
25 Records under seal and (b) file public versions of the same documents with the
26 information from the LASD Report redacted.

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1 5. In the event this matter proceeds to trial, to the extent that any of the
2 LASD Report is offered into evidence, those records will become public, unless
3 sufficient cause is shown in advance of trial to proceed otherwise.

4 6. The production of the LASD Report pursuant to this Protective Order
5 shall not be deemed a waiver of any applicable privilege for any future purpose.

6 7. At the conclusion of this matter, whether through trial, appeal,
7 collateral review, or other final disposition, all portions of the LASD Report subject
8 to this Protective Order, and all copies, shall be destroyed or returned to the agency
9 that produced the records at the option of the attorneys of record for a party to the
10 present action who received the LASD Report.

11 8. The Protective Order may not be modified unless by written consent
12 of the parties hereto **and** approval of the Court. Any party hereto may move for a
13 modification of this Order at any time.

14 9. The Protective Order is made for the purpose of ensuring that the
15 LASD Report and the information contained therein will remain confidential.

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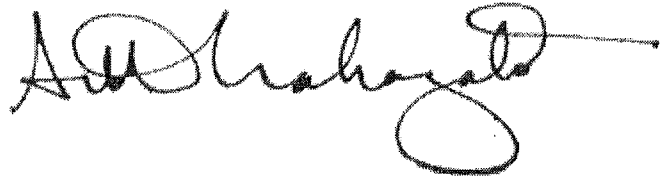
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1 **GOOD CAUSE**

2 The parties, through their counsel of record, submit that GOOD CAUSE
3 exists to preserve the confidentiality of the records governed by this stipulation,
4 where the documents consist of documents maintained in confidential files that are
5 not open to the public and are protected by California law and the Official
6 Information Privilege. The County of Los Angeles has generated and collected the
7 records governed by this stipulation and has maintained the strictest confidentiality
8 with respect to all of the materials requested (LASD Reports, including medical
9 records). It is the position of the parties that disclosure of the records would
10 violate the right to privacy as protected by several state statutory provisions and
11 the California and United States Constitutions. The parties submit that a protective
12 order governing these documents will serve to balance this right of privacy with
13 the right to discovery in this litigation.

14 IT IS SO ORDERED.



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16 DATED: March 20, 2013

17 Honorable Arthur Nakazato
18 U.S. District Court Magistrate Judge
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